

California Performance Review Commission  
Public Hearings  
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Testimony of Dr. Kevin Starr  
University Professor of History, University of Southern California  
State Librarian Emeritus

For a number of reasons, the Progressives who reformed the government of California in the 1910s believed in boards and commissions. For one thing, the Progressives were suspicious of the political process as it then existed. Too many elected officials, they believed, were beholden to labor unions, special interests, and corporations, most notably the Southern Pacific Railroad. The Progressives thus sought to create an intermediate and intermediary third sector between elected officials and private organizations and interests, whether emanating from labor or capital. The Progressives believed in expertise and had a preference for appointive authority, which they felt was especially appropriate in the fields of public utilities and public works, particularly when proprietary interests – as in the case of the harbors of California, for example – were involved. As they themselves were almost exclusively educated professionals, the Progressives naturally saw citizen boards and commissions, staffed largely by citizens resembling themselves, to be this new and necessary sector of government.

Initially, the boards and commissions created by the Progressives exercised their jurisdiction in major sectors: the regulation of railroads and

public utilities, most notably, but also highway construction, harbor construction and management, water resources and related public works projects, agriculture, education, the regulation of professions. As California developed, however, and new challenges arose, new boards and commissions were established by statute. The Wheatland riot of 13 August 1913 in Yuba County, for example, prompted Governor Hiram Johnson to create a Commission on Immigration and Housing to investigate working and living conditions of migratory farmworkers. Two of the most noted public servants in our history – reformer Simon J. Lubin of Sacramento and writer Carey McWilliams of Los Angeles – served as executive directors of this commission.

One can almost plot the growing complexity of California by noting the new commissions that were established and the dates they began operation. A system of boards and commissions serving a state of 2.5 million in 1911 (3.5 million by 1920) grew to accommodate a state of 35 million by 2004. The problem was, however (and it remains a problem) was the fact that such boards and commissions, being governmental entities, by their very definition do not put themselves out of business. Term limits and other political considerations, moreover, rendered the highly remunerated positions on a number of these commissions made them desirable options for termed-out elected officials, between elections but wishing to continue in government, or for political activists wishing to be rewarded. A system, in short, designed to bypass electoral politics in favor of appointive expertise became itself part of the political process.

This was inevitable, given the fact that all public business in some way involves political options and choices. But when you combine a multiplying number of boards and commissions, paychecks, politics, a rapidly changing state calling for new boards and commissions to deal with new problems, and the inertia intrinsic to all bureaucracy, you have the problem that we face today in California: an overlapping network of sometimes redundant, sometimes out-of-date, sometimes unnecessary boards and commissions. We should not be surprised at this. As society evolves, it makes different demands on government. Those demands can continue across one hundred years – the management of state lands, for example, of public utilities, transportation, forestry and fire, the coastline -or they can be time-dated. New needs, meanwhile, surface, and certain perennial concerns – the care of children, concern for culture and heritage – reach a point of focus and intensity requiring a state-level response. Boards and commissions, in short, should be reviewed at stated intervals, updated, enhanced or amalgamated, or, when necessary, disestablished, or as the elegant usage of state government has it, sunseted. (Indeed, for those of us who revere efficiency in government, there is no sunset so beautiful, even off Malibu, than the sight of a reduplicative or inefficient government program sinking into the sundown sea!)

California would not be California without its state boards and commissions. The era of Progressive reform is in our very DNA code. But that does not mean that every board and commission, once created, has to last forever. Times change, needs change, and boards and commissions should

likewise be changed when times and conditions call for such adaptations. Nor, I believe, should we seek to purge boards and commissions of their political importance. We need structures and occasions to bring to bear political as well as technical expertise in dealing with the ongoing challenges of California. There is such a thing, after all, as wisdom and experience in the conduct of public affairs. On any given board or commission, a seasoned politician or two can help his or her fellow board members see what is possible, as in Aristotle's definition of politics as "the art of the possible."

We should also remember that citizen members of boards and commissions are not necessarily the experts. Civil servants are supposed to be the experts, and California – so I learned in my ten years in state government – has many, many talented and dedicated people in its public service. Commission and board members, rather, should have a special expertise in relating the business and jurisdiction of a specific board or commission to the common good and making sure that the common good relates to a specific piece of business. We citizens, after all, are finally the ones responsible for the conduct of California's public business. When Governor Schwarzenegger correctly sought to review the organization and performance of state government as it enters the 21<sup>st</sup> century, he assembled more than 250 experts. Progressive that he is, the Governor also appointed this commission to hear testimony, conduct its analysis, and – keeping efficiency and the common good ever in mind – make its recommendations.